

REMARKS/ARGUMENTS

Claims 1-8 are pending in the captioned application. Applicants acknowledge the Examiner's recognition of allowable subject matter in claim 6. Applicants have amended claims 1, 6 and 8. Applicants have amended the specification and claim 6 in response to the Examiner's objections. Applicants have amended claim 8 to bring it more fully in accordance with U.S. practice. Applicants have also amended claim 1 in response to the Examiner's rejections discussed below. Applicants respectfully submit that the amendments are fairly based on the specification and respectfully request their entry.

The drawings are objected to for not showing every feature of the invention specified in the claims. Specifically, the Examiner states, "the 'toothed drive wheel', 'eccentric peg', 'gear train', 'drive shaft' and 'electric servo motor' must be shown or the features canceled from the claims." In response, Applicants have amended the figures by adding new Figure 7a, Figure 7b and Figure 7c showing the "toothed drive wheel" and the "eccentric peg." Applicants have amended claim 6 by canceling the features "gear train", "drive shaft" and "electric servo motor".

Applicants respectfully submit that these amendments are fully supported by the specification and do not add new matter. Applicants request that the objection to the drawings be withdrawn. Applicants also respectfully request that the attached eight (8) sheets of formal drawings encompassing previously filed Figure 1 through Figure 6 and new Figure 7a, Figure 7b and Figure 7c replace the drawings sheets originally filed.

35 U.S.C. § 112, Second Paragraph Rejection of Claims 5 and 6

The Examiner has rejected claims 5 and 6 under 35 U.S.C. § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Specifically, these claims are rejected because, in the Examiner’s view, there is lack of antecedent basis for the phrase “the outer casing.”

In response, Applicants have amended independent claim 1 to add the phrase “outer casing.” Support for this element can be found throughout the specification, specifically on page 2, lines 25-27. Applicants respectfully submit that the above amendments are fully supported by the specification and that the rejections should be withdrawn.

35 U.S.C. § 102 (b) Rejection of Claims 1-5 and 7

The Examiner has rejected claims 1-5 and 7 under 35 U.S.C. § 102 (b), as being anticipated by Furlong (US 722,833). This rejection is respectfully traversed.

Regarding claim 1, the Examiner states, “Furlong (‘833) discloses an apparatus comprising a reservoir (A) having an open top, side walls, end walls and a base ... a substantially horizontally-disposed mixing plate (F) mounted inside the reservoir, the mixing plate having a plurality of vertical holes extending through the plate ... and means (f, G) for raising and lowering the mixing plate relative to the reservoir...”.

Applicants disagree with the Examiner's interpretation of the Furlong disclosure. Applicants believe that Furlong did not disclose an apparatus comprising a reservoir with an open top. Instead, the apparatus disclosed in Furlong has "a perforated top", with a "stopper or plug" inserted to close the tube component (B), and a handle (C) fastens on the top (page 1, lines 21-34, also see Figures 1 and 2, and claim 1). Clearly, Furlong did not describe an apparatus having a reservoir with an open top. Applicants respectfully submit that rejections of claims 1-5 should be withdrawn. Rejection for the method of use claim, claim 7, should also be withdrawn.

35 U.S.C. § 103 Rejection of Claim 8

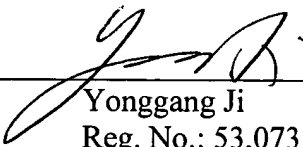
The sole remaining issue is whether Applicants' claim 8 is rendered obvious in light of a combination of cited references and thus not allowable under 35 U.S.C. § 103. Claim 8 is a method claim dependent on claim 7. For the reasons stated above, Applicants believe that claim 7 is allowable. Therefore, the rejection of claim 8 should be withdrawn.

Applicants believe that the foregoing constitutes a full and complete response to all outstanding objections and rejections. Applicants further believe that this application is now in condition for allowance. However, should any issues remain, the Examiner is respectfully requested to telephone the undersigned at (732) 908-2875 so that the issues might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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Attachments: 8 Sheets of Formal Drawings

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 4, 2004.

Signature: 
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